

# Traffic Commissioners for Great Britain

# Administrative Policy Guidance

## GUIDANCE ON INDUCTION AND CONTINUING DEVELOPMENT FOR TRAFFIC COMMISSIONERS AND THEIR DEPUTIES

This policy has no statutory basis and is issued with and is subject to the agreement of the				
Traffic Commissioner Board.				
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#### Introduction

- 1. Traffic commissioners acknowledge that many of the skills and abilities identified in the Traffic Commissioners' Appraisal Scheme are common to judicial office holders. Other knowledge-based abilities reflect the position of traffic commissioners as specialist regulators. This document sets out the means by which traffic commissioners and deputy traffic commissioners may acquire and continue to develop those skills and is based in part on the HESC Chamber President's Guidance on Sitting and Training Requirements. The skills matrix (Annex A) highlights the core abilities required. As elsewhere in the context of this document 'traffic commissioner' is taken to include deputy traffic commissioners.
- 2. Traffic commissioners will, on appointment, receive induction training which must be completed before they are able to conduct public inquiries on their own. They can then be appraised, usually once they have been in post for one year and before the expiry of the second year.
- 3. This guidance also deals with ongoing training for traffic commissioners. It is intended to assist when ongoing development needs have been identified. Areas for development may be identified, but not restricted to, the traffic commissioners' appraisals. Those ongoing training requirements might be met by attendance at internal training events, such as the traffic commissioner annual professional development seminar.
- 4. Traffic commissioners will on occasion identify training events provided either through the Department for Transport or one of its agencies or through an external organisation. This guidance also sets out the procedures that should be followed in order to attend that training as a traffic commissioner.

#### **Core Skills and Abilities**

- 5. The TC appraisal scheme has been developed to encompass the wide-ranging role of TCs in and out of the tribunal room. It takes into account the work necessary to fulfil the role and links objectives to those skills and abilities. To assist when undergoing induction or other ongoing training and for ease of reference those core skills and abilities are as follows:
  - A Assimilating and clarifying information
  - B Working with others
  - C Exercising judgement
  - D Possessing and building knowledge
  - E Managing work efficiently
  - F Communicating effectively

#### Induction

6. The principle aim of any induction training is to ensure that new traffic commissioners acquire the skills and abilities necessary to undertake their role quickly and effectively, but without overlooking the importance of familiarising the new traffic commissioner with the judicial environment, tribunal culture and the transport industry.

- 7. A key principle, which emerged during the Judicial Studies Board (now Judicial College) Training Needs Analysis in the late 1990s, was that new members of tribunals should not sit until they had received training in the skills and abilities required for their role. This remained a common theme in both the Leggatt Review of 2001 and the White Paper that followed it in July 2004. In October 2003, the Judicial Studies Board issued its *Framework of Standards for Training and Development in Tribunals*. This was followed by the 2005 *Framework for Induction of New Chairman and Members of Tribunals* and the JSB (now Judicial College) Judicial Skills and Abilities Framework 2014 upon which this guidance is largely based.
- 8. It is not possible to draft induction guidance to meet the needs of each individual. Each individual will benefit from their own personalised induction plan. The duration and nature of the induction will depend on the individual, their background, previous judicial and/or legal experience and previous experience in the transport industry. Someone who already has judicial experience, in the courts or another tribunal, or who has practised law in the same or connected jurisdiction, while still needing to participate in the induction process, may have quite different needs from someone who has had no judicial experience and whose legal background does not relate to the work of the tribunal at all. Similarly, someone who has previous experience in the transport industry may have quite different needs from someone who has no prior knowledge of the industry. Some of the elements in this framework may be unnecessary for the former, all of them may be entirely appropriate for the latter.
- 9. New traffic commissioners will be expected to take some responsibility for identifying their own needs but this is shared to a greater degree with the Senior Traffic Commissioner. The Senior Traffic Commissioner and the nominated mentor will be the key figures and between them they should be involved with the new traffic commissioner in agreeing the induction plan and ensuring that it is completed. Considerable benefits can be gained from a collegiate approach where new traffic commissioners are inducted together wherever resources allow.
- 10. It is important not to overwhelm the new traffic commissioner with information by providing too much too soon and it is essential that induction progresses at a pace that ensures that new traffic commissioners are confident to take an adequate role in the decision-making process when they first sit and that it enables them to develop into fully effective tribunal members as quickly as possible. There is a balance to be struck. The suggested timetable at the end of this document (Annexes B – H) is taken from Judicial College guidance and gives an indication of how the stages fit together and points to a typical induction process taking six to eight months.
- 11. The induction plan should allow for new traffic commissioners to attend a wide cross section of observations of public inquiries and driver conduct hearings. The new traffic commissioner should use the opportunity to discuss points arising afterwards with the presiding commissioner.
- 12. Formal training will be based around the skills and abilities required for the role of traffic commissioner. The training programme should include training in the

law, procedures and familiarisation with the jurisdiction. For instance, traffic commissioners must acquaint themselves with transport, insolvency and competition law as well as data protection and Freedom of Information law, practice and procedure. In addition, they should learn about the industries and types of businesses they licence and regulate as well as being able to understand financial accounts and analyse complex documents. They must have or acquire excellent communication skills and be able to target limited time and resource effectively.

- 13. Depending on previous experience and training, new traffic commissioners are also expected to attend residential tribunal skills development training organised by the Judicial College. That training will be based upon the Judicial Studies Board's competence framework for members of Tribunals and the Judicial Studies Board's Equal Treatment Bench Book.
- 14. Each new traffic commissioner will be allocated a mentor for the first two years after commencement of their appointment. The mentor has an informal role, providing help, advice and support, as well as a formal role in assisting the new traffic commissioner to complete the induction programme.
- 15. In addition to observing public inquiries, box work and office processes, new traffic commissioners are expected to acquaint themselves with the transport industry. For full time traffic commissioners this is likely to include (but is not limited to) the following:
  - A visit to a commercial vehicle testing station to observe an MOT being conducted;
  - Observation of a DVSA maintenance investigation;
  - Observation of a tachograph and drivers' hours' rules compliance check conducted at a DVSA roadside check;
  - Attendance at the Transport Manager CPC (Goods or Passengers) course;
  - Visiting the premises of licensed operators (both goods and passengers) so as to better understand both the demands and diversity of the transport sector. These visits should be arranged through a recognised trade association;
  - Visiting an operator who runs registered local bus services to gain an understanding of the complexities of running bus services.
- 16. The induction training will link into wider traffic commissioner development. In particular there will be appropriate public speaking and media skills training. The induction training will also link into the Traffic Commissioner Appraisal Scheme. An important part of appraisal is identifying whether there are any training needs. The matrix links with the core skills and abilities, as a reference for future development. As with most of the suggested actions under this induction scheme it will be useful for a discussion to take place between the new traffic commissioner, their mentor and the Senior Traffic Commissioner.

#### The Traffic Commissioner Appraisal Scheme

17. The Traffic Commissioners' Appraisal Scheme was developed in response to amendments introduced by the Local Transport Act 2008. It builds on the advice provided by the Judicial College and the experiences of some traffic commissioners of their previous inductions. The appraisal scheme requires that

all appraisers attend a training course provided by the Judicial College with refresher training carried out as and when necessary. The Judicial College has stressed that Tribunals should provide an effective and well targeted programme of induction for new members.

- 18. The traffic commissioners' appraisal scheme has also been created to ensure that, in addition to other matters, training and development needs are identified for all full time and deputy traffic commissioners. Training requirements identified may be on an individual basis and contribute to self development, or it may be that common themes emerge from a number of appraisals. Information relating to the appraisal can be found in the <u>Traffic Commissioners' Appraisal</u> <u>Scheme</u>. The Senior Traffic Commissioner may, if a common theme emerges from the appraisals, use the results to contribute to the programme for internal training events, such as the traffic commissioner and deputy traffic commissioners' annual professional development seminar.
- 19. Traffic commissioners are encouraged to document a review of their development requirements regularly, at least annually. The manner of doing this is not prescribed and so they may wish to consider adopting approaches used in the wider public and private sector. Where this includes the use of tools such as third party feedback, the Department agrees that this can be done through an external provider so that maximum benefit accrues. It can also be helpful for traffic commissioners to receive support from an external independent coach or mentor; either in conjunction with tools such as third party feedback and support received shall be confidential unless the traffic commissioner waives that confidentiality in writing.

#### **Continuing Development**

#### Internal Training Events

20. In accordance with the traffic commissioners' terms and conditions, training events can be arranged by the Senior Traffic Commissioner and the annual professional development seminar ("APDS") is an established training event. The APDS is arranged by the Senior Traffic Commissioner with assistance from fellow traffic commissioners and the Traffic Commissioners' Corporate Office.

#### Annual Professional Development Seminar (APDS)

- 21. The Judicial College's Tribunals Training Handbook states that training carried out within a group can provide a valuable opportunity to delegates by allowing the sharing of experiences and debating points of interest that may affect colleagues.
- 22. The APDS takes place every year and is currently held in May. The seminar is usually held over a period of three days and is usually arranged by having two half days and one full day. The length, timing, content and format of the seminar are reviewed by the STC on an annual basis. Again, this reflects the HESC President's Guidance on sitting and training requirements.
- 23. Attendance at the whole of the APDS should be considered to be mandatory and every effort should be made to ensure attendance. On occasion,

exceptional circumstances mean that a delegate is unable to attend but the delegate should inform the Traffic Commissioners' Corporate Office at the earliest available opportunity as opportunities to undertake this type of training are limited. Accordingly, care will be taken to ensure that the date of the event does not clash with other major training events that deputy traffic commissioners might attend such as the Parole Board annual training event. To assist, early consultation with all delegates will be carried out prior to any dates being finalised. Where possible and appropriate, briefing papers will be provided to the absentee as part of a face-to-face briefing by a full time TC.

- 24. The seminar programme will be put together, taking into account any common themes that have arisen from appraisals carried out, changes in legislation, issues that have arisen throughout the year, items that have been requested by delegates and any other items as deemed necessary.
- 25. The programme will be provided to attendees prior to the seminar and will be accompanied by any materials that are required to be read in advance. Any such reading materials must be read in advance to ensure full participation during the seminar. The amount of preparation work may vary from year to year.
- 26. Whilst the seminar is usually held at an external venue, such as a hotel, all attendees are expected to behave and dress in a manner appropriate to their office environment.

#### External Training Events

- 27. **Civil Service Learning:** All traffic commissioners have access to the Civil Service Learning website<sup>1</sup> which provides online and workshop learning, as well as other methods of learning. This may be of limited value to traffic commissioners who are not civil servants and so is not to be regarded as a main source of training.
- 28. **External Training Principles:** All Government Agency staff are entitled to five training days per year (including on-line training, in office training or workshop training). To ensure that traffic commissioners receive necessary and appropriate training for their role they will therefore be expected to undertake a minimum of three days development in addition to attendance at the APDS.
- 29. **External organisations:** In addition to training events organised by the Senior Traffic Commissioner, DfT or its agencies, traffic commissioners or the Senior Traffic Commissioner in carrying out their function or as a result of their appraisal may identify externally organised events that would be beneficial to their development and ability to carry out their functions. Such development and training must be encouraged and to enable participation each traffic commissioner has been allocated a training budget.
- 30. Once a training need has been identified the traffic commissioner will wish to ensure that there is a budget to cover course fees and related travel and subsistence. Where course fees apply the traffic commissioner will notify the Department for Transport Freight and Operator Licensing Division, which will

<sup>&</sup>lt;sup>1</sup> <u>https://identity.learn.civilservice.gov.uk/login</u>

then make the necessary arrangements. (This may be carried out through the Senior Traffic Commissioner.) Deputy traffic commissioners will need to ensure there are sufficient funds available so they can be reimbursed for their time and expenses. Any requests for funding are sent to the Department for Transport. This can either be by the local Office of the Traffic Commissioner or through the Senior Traffic Commissioner. In the event that the Department for Transport refuses funding for a course, the traffic commissioner can refer the matter to the Senior Traffic Commissioner who will liaise with the Department on their behalf. There is an implied agreement that the Department will not unreasonably withhold the provision and payment of proper training for all traffic commissioners and their deputies.

- 31. Traffic commissioners will wish to note that some training can be obtained free of charge from some professional bodies (e.g. CILT and NDPB Lawyers' Group) and in the event of attendance at these events the claim for travel and subsistence should be made in the usual manner.
- 32. There may be circumstances when it may be beneficial for the participating traffic commissioner to produce a summary briefing for distribution to fellow traffic commissioners. Where relevant to the role of the traffic commissioner the summary should attempt to set out the aims and objectives of the training and any conclusions. This however will not be required if the training relates to a specific need identified by an individual traffic commissioner either by that commissioner or by the Senior Traffic Commissioner.
- 33. All traffic commissioners are of course free to attend appropriate external training in their own time and at their own expense. In such cases a summary briefing to the full time traffic commissioners might be beneficial, if relevant to the role of the traffic commissioner.

#### Professional Training Obligations

34. Some traffic commissioners are subject to professional obligations to ensure continuous professional development. Those individuals are expected to identify those courses that they wish to attend and to make arrangements for such attendance.

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### ANNEX A - SKILLS MATRIX

Activity Skills/Abilities	Dealing with submissions	Tribunal Case management	Tribunal Hearings	Office Administration	Working as a Board	Policy Development - procedures - STC statutory documents Consultations	Communications & Presentations. Stakeholder engagement
A - Assimilating & clarifying information	Quickly absorbs relevant information & facts to identify essential issues	Identifies & focuses on real issues, not lost in irrelevant detail	Properly applies appropriate legal rules & principles to the relevant facts Weighs evidence to decide the facts of a case.	Quickly absorbs relevant information & facts to identify essential issues	Communicates priorities & leads within their traffic area whilst working towards the strategic objectives of the TC jurisdiction	Communicates priorities & leads within their traffic area whilst working towards the strategic objectives of the TC jurisdiction	Communicates priorities & leads within their traffic area whilst working towards the strategic objectives of the TC jurisdiction
B - Working with others		Manages hearings through fair & objective direction & intervention. Is able to recognise & deal appropriately with actual or potential conflicts of interest	Treats people with respect, sensitivity and displays fairness. Strikes a balance between formality & informality.	Has an awareness of the diversity of the communities which the tribunal serves	Uses an inclusive approach to develop & maintain the reputation of regulation in their traffic area whilst working towards the strategic objectives of the TC jurisdiction.	Uses an inclusive approach to develop & maintain the reputation of regulation in their traffic area whilst working towards the strategic objectives of the TC jurisdiction.	Uses an inclusive approach to develop & maintain the reputation of regulation in their traffic area whilst working towards the strategic objectives of the TC jurisdiction
C - Exercising judgement	Applies independence	Makes timely & appropriate	Demonstrates integrity &		Works to improve	Works to improve	Works to improve performance of

of mind to decisions independence of performance of performance of statutory make incisive. Exercises sound mind. Does not statutory statutorv functions across functions across functions across fair & legally judgement & exercise bias or the jurisdiction to sound prejudice. the iurisdiction the iurisdiction ensure it meets common sense decisions to ensure it to ensure it existing & future meets existing & meets existing & needs future needs future needs D - Possessina Knowledge of Knowledge of Knowledge of Shows an Encourages Encourages Encourages ability & learning, keeps learning, keeps learning, keeps & building relevant relevant relevant legislation. case legislation, case willingness to processes & processes & processes & knowledge legislation. learn & develop knowledge up to case law & law & Statutory law & Statutory knowledge up to knowledge up to date & Guidance & Guidance & Statutory date & date & Guidance & Statutorv Statutory communicates communicates communicates developments in developments in Statutory Directions Directions developments in their traffic area Directions their traffic area their traffic area & & supports & supports supports wider wider learning learning across wider learning across the across the the jurisdiction iurisdiction iurisdiction Makes efficient E - Managing Prioritises. Deals effectively **Runs hearings** Takes Takes Takes work effectively with case effectively to use of responsibility for responsibility for responsibility for works at leading the speed & uses management & facilitate a fair & resources leading the leading the undertakes efficient within the efficient & efficient & efficient & resources efficiently necessary conclusion. tribunal & effective use of effective use of effective use of preparatory outside resources in resources in resources in their work their traffic area their traffic area traffic area F -Explains Establishes Ensures Supports & Oversees change Oversees Oversees Communicating relevant legal or authority & delivers change change within change within within their traffic responses to effectively submissions procedural inspires respect within the their traffic area their traffic area area & confidence. are clear & information that tribunal unambiguous is succinct, clear Asks clear, & readily concise. relevant understood by & understandable all auestions.

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### **ANNEX B - INITIAL ORIENTATION**

### **ANNEX C - OBSERVATION**

Aim	<b>Duration &amp; timing</b>	Content	Skills & Abilities	Method	Sign off
To introduce new traffic commissioners to the environment, culture, people and management of the tribunal, Office of the Traffic Commissioner (Licensing) and (Compliance)	Duration Two days minimum in at least two separate Traffic Areas. Timing Between appointment and core induction training	Observation of experienced traffic commissioners in two separate traffic areas, to include a range of cases that the new traffic commissioner is likely to encounter in the first six months, including an opportunity to: • Discuss points arising with the presiding commissioner and/or mentor • See papers in advance and observe deliberations where appropriate • Observe different approaches, e.g. to un/represented operators/drivers	All Reference	<ul> <li>Visit to Public Inquiries and driver conduct hearings hosted by mentor/presiding commissioner, to observe the tribunal hearing</li> <li>Meeting with presiding commissioner before and after hearing</li> <li>Post hearing discussion with mentor and/or presiding commissioner</li> </ul>	

### **ANNEX D - MENTORING**

Aim	<b>Duration &amp; timing</b>	Content	Skills & Abilities	Method	Sign off
To provide practical and professional support and advice to new members during induction from an experienced colleague	Duration From first appointment and as required until at least initial appraisal Timing As part of the formal process and on other occasions at the request of the new traffic commissioner	<ul> <li>The mentor will:</li> <li>Invite the new traffic commissioner to observe a minimum two days of hearings with the mentor presiding and discuss points arising</li> <li>Introduce the appraisal skills and abilities and system</li> <li>Observe two initial, separate sitting days of the new traffic commissioner and provide feedback at the end of each case</li> <li>Be available during the mentoring period to respond to requests for advice.</li> </ul>	All Reference Guidance on Mentoring in Tribunals	Mentoring, discussion and advice	

#### ANNEX E - SELF-MANAGED LEARNING

### ANNEX F - CORE INTRODUCTORY TRAINING: LEGAL AND JURISDICTIONAL KNOWLEDGE

Aim	<b>Duration &amp; timing</b>	Content	Skills & Abilities	Method	Sign off
To enable new traffic commissioners to develop knowledge of the law, constitutional position, practices and procedures required for their role in the jurisdictions in which they sit	Duration One full day minimum Timing Between observation and first sitting	<ul> <li>Training to enable the new traffic commissioner to develop an understanding of:</li> <li>Legal framework and procedures of the licensing and tribunal functions</li> <li>How to conduct hearings in accordance with the law</li> <li>The judicial role and role of support staff</li> <li>How the law applies to issues before the tribunal</li> <li>The legal and constitutional position of traffic commissioners</li> <li>Sources of support, guidance, information</li> </ul>	All <b>Reference</b> TC & DfT Framework Agreement, Traffic Commissioner's Bench Book, Statutory Guidance & Statutory Directions, Upper Tribunal Digest,	This will depend on the size of intake at the relevant time. It is likely to consist of a mixture of formal traffic commissioner events, traffic commissioner legal forums, and discussions with mentor	

### CORE INTRODUCTORY TRAINING: JUDICIAL SKILLS

### CORE INTRODUCTORY TRAINING: INDUSTRY KNOWLEDGE

Aim	Duration & timing	Content	Skills & Abilities	Method	Sign off
To enable new traffic commissioners to acquire suitable knowledge of industry matters and technical matters	30 months		All         Reference         DVSA - The Guide         to Maintaining         Roadworthiness         DVSA - Rules on         Drivers Hours and         Tachograph –         goods         DVSA - Rules on         Drivers Hours and         Tachograph –         passengers         Traffic         Commissioners –         Guide to Local Bus	<ul> <li>A visit to a commercial vehicle testing station to observe an MOT being conducted</li> <li>Observation of a DVSA maintenance investigation</li> <li>Observation of a tachograph and drivers' hours' rules compliance check conducted at a DVSA roadside check</li> <li>Attendance at the Transport Manager CPC (Goods or Passengers) course</li> <li>Visiting the premises of licensed operators (both goods and passengers) so as to better understand both</li> </ul>	

	Service Registration Trade Association Yearbooks and Haulage Manuals	the demands and diversity of the transport sector. These visits should be arranged through a recognised trade association or Professional Membership Organisation e.g. CILT, SOE • Visiting an operator who runs registered local bus services to gain an understanding of the complexities of running bus services
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### **ANNEX G - BASIC TRAINING**

### **ANNEX H - INITIAL APPRAISAL**

Aim	<b>Duration &amp; timing</b>	Content	Skills & Abilities	Method	Sign off
To help new traffic commissioners to identify training needs and areas that require development through independent appraisal by an experienced colleague	Duration Normally one full day Timing Between first six and twelve months of sitting	<ul> <li>First appraisal to include:</li> <li>Completion of self-assessment form by new traffic commissioner</li> <li>Preliminary discussion with appraiser</li> <li>Feedback session with appraiser after observation</li> <li>Agree write up with appraiser</li> <li>Discussion about any identified training needs</li> <li>Subsequent discussion with mentor</li> </ul>	All Reference Tribunals Training Handbook Equal Treatment Training for Tribunals Traffic Commissioner Skills matrix	Appraisal	

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